

April 16, 1975

PRESIDENT: Is there an objection?

SENATOR SIMPSON: Well, if someone wishes to move it to a committee, they could do this, even if it is bracketed, wouldn't that be true?

PRESIDENT: There is a request for unanimous consent to bracket the bill. Seeing no objection, it is so ordered.

CLERK: Mr. President, there is...I believe, under the Speaker's order, we go to 425 now.

PRESIDENT: That is correct.

CLERK: LB 425, Mr. President, was considered first on April 19th. It was introduced by Senator Chambers. Read title. The bill was first considered on April 9th and it was laid over until April 14th. There are Committee amendments, Mr. President, which are apparently presently pending and they are introduced by Senator Luedtke's Judiciary Committee.

SENATOR LUEDTKE: Mr. President, Senator Chambers has an amendment in lieu of the Committee amendments. As a member of the Committee, I would ask Senator Chambers to handle this.

SENATOR CHAMBERS: (Mike off) and members of the Legislature, LB 425's original intent was to do away with allowing a summons to be mailed or left at a person's address. It would have required personal service, which means placing it in the individual's hand or the service would **not be considered** valid. All of that has been stricken. No longer is that a bill and the amendment I am offering now becomes the bill. What this amendment does, is to allow an individual who has a default judgment entered because he or she did not show for the trial, it allows that person to allege that they did not have notice and the judgment can be set aside. After such a judgment is entered, the court clerk is required to send by mail a notification to that individual that a judgment has been entered. At that time, the individual can come into court and allege that notice had not been received and the judgment can be set aside. There is a provision, currently in the statute, for setting aside of judgments but this would liberalize that and attempt to go a step further in making sure that people have notice of cases pending against them. Briefly, I will tell you what the problem has been. In many cases, loan companies, other operations that have installment contracts with individuals will sue a person and no notice is ever served on that person that they are sued. A default judgment is entered because they don't show up. The first notice that they have is that their check is bricked or garnished. They don't realize they can set aside the judgment and they're shot through the grease, many times on a debt that is not valid in the first place. So this amendment will do what I said and that is what I am offering in lieu of the bill. So my motion is that you accept this amendment and a copy of it had been handed out the other day.

PRESIDENT: The question is, Senator Chambers amendment to 425? Record your vote. Please vote. It takes time to go under Call. Record.